

FILED

JAN 11 2008

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

vs.

No. CIV S-97-0152 WBS KJM

DEATH PENALTY CASE

ROBERT L. AYERS, Jr.,
Warden of San Quentin
State Prison,

Respondent.

ORDER

The parties submitted a joint statement regarding transcription errors in the transcript for the May 2, 2007 evidentiary hearing. The parties agree on the transcription errors and ask that the court reporter submit corrected pages reflecting the stipulated corrections. The parties jointly ask the court reporter to re-read her notes with respect to three possible errors. The corrections and requests for review are all contained in the attached table.

Good cause appearing, IT IS HEREBY ORDERED as follows:

1. Within seven days of the filed date of this order, court reporter Patricia Hernandez shall file the following:

- a. Corrected pages reflecting the stipulated corrections listed in the attached table.

1 b. A statement regarding whether re-reading the noted passages resulted in
2 any corrections.

3 2. In addition to normal service of this order upon counsel for petitioner and
4 respondent, the Clerk of the Court is directed to serve it upon Patricia A. Hernandez, Diamond
5 Court Reporters, 1107 2nd Street, # 210, Sacramento, CA 95814 by U.S. Mail and by fax at
6 (916) 442-2783.

7 DATED: January 11, 2008.

8 
9 **KIMBERLY J. MUELLER**
10 **U.S. MAGISTRATE JUDGE**

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Federal Defender

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Attorneys for Petitioner
LANCE IAN OSBAND

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

v.

WARDEN, San Quentin State Prison,

Respondent.

NO. CIV-S-97-0152 WBS KJM

CAPITAL CASE

**JOINT STATEMENT REGARDING MAY 2, 2007
TRANSCRIPTION ERRORS**

Pursuant to this Court's order filed December 18, 2007 (Doc. 473), the parties submit the following list of agreed transcript errors. There are no disagreements.

RT	Problem	Correction
920:17	respective	speculative
924:6	Petitioner	Respondent
924:22	Thomson	Thomas
925:12	Avinal	Avenal
925:23	"	"
927:4	[blank line]	[reporter to re-read]

RT	Problem	Correction
930:22	Miss	Ms.
934:4	It aspired to this Court's that the	[reporter to re-read]
937:24	Miss	Ms.
938:11-12	that question is particularly is issued to the jury as to what weight and credibility	the question is one particularly suited to the jury as one of weight and credibility
940:25	Miss	Ms.
943:10	MR. CAMPBELL:	THE COURT:
951:22	Jamie	Jaimie
958:24, 25	Jaime	Jaimie
966:11-12	I'm sorry?	THE COURT: I'm sorry? [Reporter to re-read, in light of response of "ma'am" on next line, 13]
966:21	Miss	Ms.
992:20	Miss	Ms.
992:21	Miss	Ms.
995:21, 23	Miss	Ms.
996:6, 10	Miss	Ms.
997:20	Miss	Ms.

Dated: January 8, 2008

Respectfully submitted,

DANIEL J. BRODERICK
Acting Federal Defender

/s/ Tivon Schardl
TIVON SCHARDL
Assistant Federal Defender

TIM BROSNAN
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LANCE IAN OSBAND

BILL LOCKYER
Attorney General of the State of California

WARD CAMPBELL
Supervising Deputy Attorney General

/s/ Stephanie Mitchell (as authorized on 1/8/08)
STEPHANIE MITCHELL
Deputy Attorney General

Attorneys for Respondent
WARDEN OF SAN QUENTIN STATE PRISON